

Union Calendar No. 262

114TH CONGRESS
1ST SESSION

H. R. 3842

[Report No. 114-343, Part I]

To improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2015

Mr. CARTER of Georgia (for himself and Mrs. TORRES) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 19, 2015

Additional sponsors: Mr. LOUDERMILK, Mr. McCAUL, Mr. CARTER of Texas, and Mr. RATCLIFFE

NOVEMBER 19, 2015

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 19, 2015

The Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 28, 2015]

A BILL

To improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Federal Law Enforce-*
5 *ment Training Centers Reform and Improvement Act of*
6 *2015”.*

7 **SEC. 2. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.**

8 *(a) ESTABLISHMENT.—Section 884 of the Homeland*
9 *Security Act of 2002 (6 U.S.C. 464) is amended to read*
10 *as follows:*

11 **“SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CEN-**
12 **TERS.**

13 *“(a) ESTABLISHMENT.—The Secretary shall maintain*
14 *in the Department the Federal Law Enforcement Training*
15 *Centers (FLETC), headed by a Director, who shall report*
16 *to the Secretary.*

17 *“(b) POSITION.—The Director shall occupy a career-*
18 *reserved position within the Senior Executive Service.*

19 *“(c) FUNCTIONS OF THE DIRECTOR.—The Director*
20 *shall—*

21 *“(1) develop training goals and establish stra-*
22 *tegic and tactical organizational program plan and*
23 *priorities;*

24 *“(2) provide direction and management for*
25 *FLETC’s training facilities, programs, and support*

1 *activities while ensuring that organizational program*
2 *goals and priorities are executed in an effective and*
3 *efficient manner;*

4 *“(3) develop homeland security and law enforce-*
5 *ment training curricula, including curricula related*
6 *to domestic preparedness and response to threats or*
7 *acts of terrorism, for Federal, State, local, tribal, ter-*
8 *ritorial, and international law enforcement and secu-*
9 *rity agencies and private sector security agencies;*

10 *“(4) monitor progress toward strategic and tac-*
11 *tical FLETC plans regarding training curricula, in-*
12 *cluding curricula related to domestic preparedness*
13 *and response to threats or acts of terrorism, and fa-*
14 *cilities;*

15 *“(5) ensure the timely dissemination of home-*
16 *land security information as necessary to Federal,*
17 *State, local, tribal, territorial, and international law*
18 *enforcement and security agencies and the private sec-*
19 *tor to achieve the training goals for such entities, in*
20 *accordance with paragraph (1);*

21 *“(6) carry out acquisition responsibilities in a*
22 *manner that—*

23 *“(A) fully complies with—*

24 *“(i) Federal law;*

1 “(ii) the Federal Acquisition Regula-
2 tion, including requirements regarding
3 agency obligations to contract only with re-
4 sponsible prospective contractors; and

5 “(iii) Department acquisition manage-
6 ment directives; and

7 “(B) ensures that a fair proportion of Fed-
8 eral contract and subcontract dollars are award-
9 ed to small businesses, maximizes opportunities
10 for small business participation, and ensures, to
11 the extent practicable, that small businesses
12 which achieve qualified vendor status for secu-
13 rity-related technologies have an opportunity to
14 compete for contracts for such technologies;

15 “(7) coordinate and share information with the
16 heads of relevant components and offices on digital
17 learning and training resources, as appropriate;

18 “(8) advise the Secretary on matters relating to
19 executive level policy and program administration of
20 Federal, State, local, tribal, territorial, and inter-
21 national law enforcement and security training ac-
22 tivities and private sector security agency training
23 activities, including training activities related to do-
24 mestic preparedness and response to threats or acts of
25 terrorism;

1 “(9) collaborate with the Secretary and relevant
2 officials at other Federal departments and agencies,
3 as appropriate, to improve international instruc-
4 tional development, training, and technical assistance
5 provided by the Federal Government to foreign law
6 enforcement; and

7 “(10) carry out such other functions as the Sec-
8 retary determines are appropriate.

9 “(d) TRAINING RESPONSIBILITIES.—

10 “(1) IN GENERAL.—The Director is authorized to
11 provide training to employees of Federal agencies who
12 are engaged, directly or indirectly, in homeland secu-
13 rity operations or Federal law enforcement activities,
14 including such operations or activities related to do-
15 mestic preparedness and response to threats or acts of
16 terrorism. In carrying out such training, the Director
17 shall—

18 “(A) evaluate best practices of law enforce-
19 ment training methods and curriculum content
20 to maintain state-of-the-art expertise in adult
21 learning methodology;

22 “(B) provide expertise and technical assist-
23 ance, including on domestic preparedness and
24 response to threats or acts of terrorism, to Fed-
25 eral, State, local, tribal, territorial, and inter-

1 *national law enforcement and security agencies*
2 *and private sector security agencies; and*

3 “(C) *maintain a performance evaluation*
4 *process for students.*

5 “(2) *RELATIONSHIP WITH LAW ENFORCEMENT*
6 *AGENCIES.—The Director shall consult with relevant*
7 *law enforcement and security agencies in the develop-*
8 *ment and delivery of FLETC’s training programs.*

9 “(3) *TRAINING DELIVERY LOCATIONS.—The*
10 *training required under paragraph (1) may be con-*
11 *ducted at FLETC facilities, at appropriate off-site lo-*
12 *cations, or by distributed learning.*

13 “(4) *STRATEGIC PARTNERSHIPS.—*

14 “(A) *IN GENERAL.—The Director may—*

15 “(i) *execute strategic partnerships with*
16 *State and local law enforcement to provide*
17 *such law enforcement with specific training,*
18 *including maritime law enforcement train-*
19 *ing; and*

20 “(ii) *coordinate with the Under Sec-*
21 *retary responsible for overseeing critical in-*
22 *frastructure protection, cybersecurity, and*
23 *other related programs of the Department*
24 *and with private sector stakeholders, includ-*
25 *ing critical infrastructure owners and oper-*

1 *ators, to provide training pertinent to im-*
2 *proving coordination, security, and resil-*
3 *ency of critical infrastructure.*

4 *“(B) PROVISION OF INFORMATION.—The*
5 *Director shall provide to the Committee on*
6 *Homeland Security of the House of Representa-*
7 *tives and the Committee on Homeland Security*
8 *and Governmental Affairs of the Senate, upon*
9 *request, information on activities undertaken in*
10 *the previous year pursuant to subparagraph (A).*

11 *“(5) FLETC DETAILS TO DHS.—The Director*
12 *may detail employees of FLETC to positions through-*
13 *out the Department in furtherance of improving the*
14 *effectiveness and quality of training provided by the*
15 *Department and, as appropriate, the development of*
16 *critical departmental programs and initiatives.*

17 *“(6) DETAIL OF INSTRUCTORS TO FLETC.—Part-*
18 *ner organizations that wish to participate in FLETC*
19 *training programs shall assign non-reimbursable de-*
20 *tailed instructors to FLETC for designated time peri-*
21 *ods to support all training programs at FLETC, as*
22 *appropriate. The Director shall determine the number*
23 *of detailed instructors that is proportional to the*
24 *number of training hours requested by each partner*
25 *organization scheduled by FLETC for each fiscal*

1 *year. If a partner organization is unable to provide*
2 *a proportional number of detailed instructors, such*
3 *partner organization shall reimburse FLETC for the*
4 *salary equivalent for such detailed instructors, as ap-*
5 *propriate.*

6 *“(7) PARTNER ORGANIZATION EXPENSES RE-*
7 *QUIREMENTS.—*

8 *“(A) IN GENERAL.—Partner organizations*
9 *shall be responsible for the following expenses:*

10 *“(i) Salaries, travel expenses, lodging*
11 *expenses, and miscellaneous per diem allow-*
12 *ances of their personnel attending training*
13 *courses at FLETC.*

14 *“(ii) Salaries and travel expenses of*
15 *instructors and support personnel involved*
16 *in conducting advanced training at FLETC*
17 *for partner organization personnel and the*
18 *cost of expendable supplies and special*
19 *equipment for such training, unless such*
20 *supplies and equipment are common to*
21 *FLETC-conducted training and have been*
22 *included in FLETC’s budget for the appli-*
23 *cable fiscal year.*

24 *“(B) EXCESS BASIC AND ADVANCED FED-*
25 *ERAL TRAINING.—All hours of advanced training*

1 *and hours of basic training provided in excess of*
2 *the training for which appropriations were made*
3 *available shall be paid by the partner organiza-*
4 *tions and provided to FLETC on a reimbursable*
5 *basis in accordance with section 4104 of title 5,*
6 *United States Code.*

7 “(8) *PROVISION OF NON-FEDERAL TRAINING.*—

8 “(A) *IN GENERAL.*—*The Director is author-*
9 *ized to charge and retain fees that would pay for*
10 *its actual costs of the training for the following:*

11 “(i) *State, local, tribal, and territorial*
12 *law enforcement personnel.*

13 “(ii) *Foreign law enforcement officials,*
14 *including provision of such training at the*
15 *International Law Enforcement Academies*
16 *wherever established.*

17 “(iii) *Private sector security officers,*
18 *participants in the Federal Flight Deck Of-*
19 *ficer program under section 44921 of title*
20 *49, United States Code, and other appro-*
21 *priate private sector individuals.*

22 “(B) *WAIVER.*—*The Director may waive the*
23 *requirement for reimbursement of any cost under*
24 *this section and shall maintain records regard-*
25 *ing the reasons for any requirements so waived.*

1 “(9) *REIMBURSEMENT.*—*The Director is author-*
2 *ized to reimburse travel or other expenses for non-*
3 *Federal personnel who attend activities related to*
4 *training sponsored by FLETC, at travel and per*
5 *diem rates established by the General Services Admin-*
6 *istration.*

7 “(10) *STUDENT SUPPORT.*—*In furtherance of its*
8 *training mission, the Director is authorized to pro-*
9 *vide the following support to students:*

10 “(A) *Athletic and related activities.*

11 “(B) *Short-term medical services.*

12 “(C) *Chaplain services.*

13 “(11) *AUTHORITY TO HIRE FEDERAL ANNU-*
14 *ITANTS.*—

15 “(A) *IN GENERAL.*—*Notwithstanding any*
16 *other provision of law, the Director is authorized*
17 *to appoint and maintain, as necessary, Federal*
18 *annuitants who have expert knowledge and expe-*
19 *rience to meet the training responsibilities under*
20 *this subsection.*

21 “(B) *NO REDUCTION IN RETIREMENT*
22 *PAY.*—*A Federal annuitant employed pursuant*
23 *to this paragraph shall not be subject to any re-*
24 *duction in pay for annuity allocable to the pe-*
25 *riod of actual employment under the provisions*

1 *of section 8344 or 8468 of title 5, United States*
2 *Code, or similar provision of any other retire-*
3 *ment system for employees.*

4 “(C) *RE-EMPLOYED ANNUITANTS.*—*A Fed-*
5 *eral annuitant employed pursuant to this para-*
6 *graph shall not be considered an employee for*
7 *purposes of subchapter III of chapter 83 or chap-*
8 *ter 84 of title 5, United States Code, or such*
9 *other retirement system (referred to in subpara-*
10 *graph (B)) as may apply.*

11 “(D) *COUNTING.*—*Federal annuitants shall*
12 *be counted on a full time equivalent basis.*

13 “(E) *LIMITATION.*—*No appointment under*
14 *this paragraph may be made which would result*
15 *in the displacement of any employee.*

16 “(12) *TRAVEL FOR INTERMITTENT EMPLOY-*
17 *EES.*—*The Director is authorized to reimburse inter-*
18 *mittent Federal employees traveling from outside a*
19 *commuting distance (to be predetermined by the Di-*
20 *rector) for travel expenses and to compensate such em-*
21 *ployees for time spent traveling from their homes to*
22 *work sites.*

23 “(e) *ON-FLETC HOUSING.*—*Notwithstanding any*
24 *other provision of law, individuals attending training at*
25 *any FLETC facility shall, to the extent practicable and in*

1 *accordance with FLETC policy, reside in on-FLETC or*
2 *FLETC-provided housing.*

3 “(f) *ADDITIONAL FISCAL AUTHORITIES.—In order to*
4 *further the goals and objectives of FLETC, the Director is*
5 *authorized to—*

6 “(1) *expend funds for public awareness and to*
7 *enhance community support of law enforcement*
8 *training, including the advertisement of available law*
9 *enforcement training programs;*

10 “(2) *accept and use gifts of property, both real*
11 *and personal, and to accept gifts of services, for pur-*
12 *poses that promote the functions of the Director pur-*
13 *suant to subsection (c) and the training responsibil-*
14 *ities of the Director under subsection (d);*

15 “(3) *accept reimbursement from other Federal*
16 *agencies for the construction or renovation of training*
17 *and support facilities and the use of equipment and*
18 *technology on government owned-property;*

19 “(4) *obligate funds in anticipation of reimburse-*
20 *ments from agencies receiving training at FLETC,*
21 *except that total obligations at the end of a fiscal year*
22 *may not exceed total budgetary resources available at*
23 *the end of such fiscal year;*

24 “(5) *in accordance with the purchasing author-*
25 *ity provided under section 505 of the Department of*

1 *Homeland Security Appropriations Act, 2004 (Public*
2 *Law 108–90; 6 U.S.C. 453a)—*

3 *“(A) purchase employee and student uni-*
4 *forms; and*

5 *“(B) purchase and lease passenger motor*
6 *vehicles, including vehicles for police-type use;*

7 *“(6) provide room and board for student interns;*
8 *and*

9 *“(7) expend funds each fiscal year to honor and*
10 *memorialize FLETC graduates who have died in the*
11 *line of duty.*

12 *“(g) DEFINITIONS.—In this section:*

13 *“(1) BASIC TRAINING.—The term ‘basic training’*
14 *means the entry-level training required to instill in*
15 *new Federal law enforcement personnel fundamental*
16 *knowledge of criminal laws, law enforcement and in-*
17 *vestigative techniques, laws and rules of evidence,*
18 *rules of criminal procedure, constitutional rights,*
19 *search and seizure, and related issues.*

20 *“(2) DETAILED INSTRUCTORS.—The term ‘de-*
21 *tailed instructors’ means personnel who are assigned*
22 *to the Federal Law Enforcement Training Centers for*
23 *a period of time to serve as instructors for the pur-*
24 *pose of conducting basic and advanced training.*

1 “(3) *DIRECTOR*.—The term ‘Director’ means the
2 *Director of the Federal Law Enforcement Training*
3 *Centers.*

4 “(4) *DISTRIBUTED LEARNING*.—The term ‘dis-
5 *tributed learning’ means education in which students*
6 *take academic courses by accessing information and*
7 *communicating with the instructor, from various lo-*
8 *cations, on an individual basis, over a computer net-*
9 *work or via other technologies.*

10 “(5) *EMPLOYEE*.—The term ‘employee’ has the
11 *meaning given such term in section 2105 of title 5,*
12 *United States Code.*

13 “(6) *FEDERAL AGENCY*.—The term ‘Federal
14 *agency’ means—*

15 “(A) *an Executive Department as defined*
16 *in section 101 of title 5, United States Code;*

17 “(B) *an independent establishment as de-*
18 *fined in section 104 of title 5, United States*
19 *Code;*

20 “(C) *a Government corporation as defined*
21 *in section 9101 of title 31, United States Code;*

22 “(D) *the Government Printing Office;*

23 “(E) *the United States Capitol Police;*

24 “(F) *the United States Supreme Court Po-*
25 *lice; and*

1 “(G) *Government agencies with law enforce-*
2 *ment related duties.*

3 “(7) *LAW ENFORCEMENT PERSONNEL.—The term*
4 *‘law enforcement personnel’ means an individual, in-*
5 *cluding criminal investigators (commonly known as*
6 *‘agents’) and uniformed police (commonly known as*
7 *‘officers’), who has statutory authority to search, seize,*
8 *make arrests, or to carry firearms.*

9 “(8) *LOCAL.—The term ‘local’ means—*

10 “(A) *of or pertaining to any county, parish,*
11 *municipality, city, town, township, rural com-*
12 *munity, unincorporated town or village, local*
13 *public authority, educational institution, special*
14 *district, intrastate district, council of govern-*
15 *ments (regardless of whether the council of gov-*
16 *ernments is incorporated as a nonprofit corpora-*
17 *tion under State law), regional or interstate gov-*
18 *ernment entity, any agency or instrumentality*
19 *of a local government, or any other political sub-*
20 *division of a State; and*

21 “(B) *an Indian tribe or authorized tribal*
22 *organization, or in Alaska a Native village or*
23 *Alaska Regional Native Corporation.*

24 “(9) *PARTNER ORGANIZATION.—The term ‘part-*
25 *ner organization’ means any Federal agency partici-*

1 *participating in FLETC's training programs under a formal memorandum of understanding.*

2 *“(10) STATE.—The term ‘State’ means any*
3 *State of the United States, the District of Columbia,*
4 *the Commonwealth of Puerto Rico, the Virgin Islands,*
5 *Guam, American Samoa, the Commonwealth of the*
6 *Northern Mariana Islands, and any possession of the*
7 *United States.*

8 *“(11) STUDENT INTERN.—The term ‘student intern’*
9 *means any eligible baccalaureate or graduate degree*
10 *student participating in FLETC's College Intern*
11 *Program.*

12 *“(h) PROHIBITION ON NEW FUNDING.—No funds are*
13 *authorized to carry out this section. This section shall be*
14 *carried out using amounts otherwise appropriated or made*
15 *available for such purpose.”.*

16 *(b) CLERICAL AMENDMENT.—The table of contents in*
17 *section 1(b) of the Homeland Security Act of 2002 is*
18 *amended by amending the item relating to section 884 to*
19 *read as follows:*

20 *“Sec. 884. Federal Law Enforcement Training Centers.”.*

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